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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,088	09/27/1999	SAMI USKELA	P2860US00	9108

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DITTHAVONG MORI & STEINER, P.C.
918 Prince Street
Alexandria, VA 22314

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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08/31/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary	Application No. 09/405,088	Applicant(s) USKELA ET AL.	
	Examiner Pierre E. Elisca	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54-57 is/are allowed.
- 6) ☒ Claim(s) 38-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/11/10, 5/13/08, 10/28/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on 02/22/2010.
2. Claims 1-37 are canceled. Claims 38-57 are added and have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 38-53 are rejected under 35 U.S.C.102(e) as being anticipated by Angles et al. (5,933,811).

Referring to claims 38-43, 45, 46, Angles et al. teaches a system for a sponsored games network comprising: a communications network (33)(Fig.2); a game sponsoring gateway (e.g., content provider 14), configured to receive game data for presentation of a game from a game server, and to receive advertising from a sponsor content server, wherein the game sponsoring gateway is further configured to, insert the advertising in the game data, insert an instruction in the game data to instruct a user terminal to cause presentation of the advertising during a break point in game play, and initiate

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transmission of the game data to the user terminal (e.g., consumer computer 12 or terminal).

Note that, the content provider computer 14 also includes online games (21:55-60), therefore, the content provider computer 14 anticipated the applicant's game server. Further, Angles et al. teaches a sponsor content server (e.g., advertisement provider computer 18), in communication with said game sponsoring gateway, which supplies advertising over said network to said user terminal; and wherein the game sponsor gateway controls providing of the games from the game server and advertisements to the user terminal from the sponsor content server (17:39-18:34; 21:33-22:57; and Figs. 1, 2, 4, 9).

As per claims 47-50, and 52-53, Angles et al. teaches a system for a sponsored games network comprising: a communications network (33)(Fig.2); receiving, at a game sponsoring gateway (e.g., content provider 14), game data for presentation of a game, receiving, at the game sponsoring gateway, advertising, inserting, at the game sponsoring gateway, the advertising in the game data, inserting, at the game sponsoring gateway, an instruction in the game data to instruct a user terminal (e.g., consumer computer 12 or terminal) to cause presentation of advertising during a break point in game play, and initiating, at the game sponsoring gateway, transmission of the game data to the user terminal (17:39-18:34; 21:33-22:57; and Figs. 1, 2, 4, 9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 44 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al. (5,933,811).

Referring to claims 44 and 51, the online game system of Angles et al. as being addressed in claim 38 above is capable of performing a method for supplying sponsored games comprising: accessing a game sponsoring gateway (e.g., content provider 14)(Fig.2), from a user terminal (e.g., consumer computer 12) through a communication network (33), the game sponsoring gateway authenticating the user (22:12-30); the game sponsoring gateway retrieves a profile of the user from the user data server; based upon the profile of the user, the game sponsoring gateway retrieves the advertisements from a sponsor content server; retrieving with the game sponsoring gateway user selected game data from a game server (22:58-65); scanning the user selected game data with the game sponsoring server to identify placeholders according to the profile of the user, preferences of the user or a current geographic location of the user obtained from a location server; and inserting with the game sponsoring server each retrieved advertisement into a least one placeholder (12:51-60; 18:21-34).

Angles et al. does not explicitly teach accessing a user data server from the game sponsoring gateway to configured to receive a user profile comprising user preference, and the sponsoring gateway being further configured to select the

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advertising for presentation in the game data based on the user preference, however, since Angles et al. disclosed that the advertise customization process would also depend upon user's preference (17:3-30), it would have been obvious to check if the advertisements compatible with the consumer's preference to achieve the maximum results.

RESPONSE TO ARGUMENTS

7. Applicant's arguments with respect to claims 38-53 have been fully considered but they are moot in view of new ground (s) of rejection.

Allowable Subject Matter

8. Claims 54-57 are in condition for allowance.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Hotel.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571 272 4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pierre E. Elisca/
Primary Examiner, Art Unit 3714